

Meeting Minutes
Herring River Executive Council (HREC)
Thursday, December 15, 2022, 3:00 pm

Virtual meeting via Zoom

HREC members present: Geoff Sanders, Helen Miranda Wilson, Janet Reinhart, Brian Carlstrom; Coordinator: Carole Ridley; Others present: Christine Odiaga, Tim Smith, Eric Derleth, Bill Biewenga, Dale Rheault, Beth Chapman, Barry McLaughlin, Gail Ferguson, Moe Barocas, Gabrielle Sakolsky, Barton Morris.

Minutes

Following the meeting welcome and introductions, the minutes of September 15, 2022 were approved by consensus.

Herring River Restoration Project Update

Carole Ridley provided the following project updates. [Meeting slides are attached.]

Permitting Update:

- Environmental permits are in hand to begin construction of the Chequessett Neck Road bridge.
- As previously reported, a MGL Ch. 91 Waterways License was issued for the Chequessett Neck Road bridge. Ch 91 licenses for other project elements will be issued once final design plans are prepared.
- The project team is proceeding with pre-construction permit compliance activities. Among these, the team has been in communication with MA Division of Marine Fisheries (MADMF) and NOAA National Marine Fisheries Service (NOAA NMFS) to review compliance with MADMF Time of Year restrictions for in-water work, and responses to NOAA NMFS Conservation Recommendations for Essential Fish Habitat. Although MA DMF has indicated terms for some incursions into Time of Year restriction periods, fish passage will be maintained throughout the construction period, and all work will be undertaken in accordance with a Water Control Plan to be developed by the contractor and approved by MA DMF and NOAA NMFS. In addition, a Turtle Protection Plan is under development to protect Eastern Box Turtles and Diamond backed terrapin during construction. Lastly, Geoff Sanders is taking the lead on a request for an updated Section 7 assessment in light of the change in protected status for the Northern Long-eared bat.
- A meeting of the Herring River Restoration Project Regulatory Oversight Group (ROG) was held on December 12, 2022. The ROG was formed by the MA Environmental Protection Act certificate issued by the Secretary of Energy and Environmental Affairs in 2016. The ROG provide guidance on regulatory matters and the project's adaptive management plan. Helen Miranda Wilson requested that future meetings be recorded. Meeting notes will be circulated to the HREC members.

Fundraising Update:

- The Town of Wellfleet executed grant agreements in the amount of \$49,870,000:
 - \$27,200,000 from the USDA/Natural Resource Conservation Service
 - \$22,670,000 from Massachusetts Division of Ecological Restoration
- The Town submitted an application to NOAA for \$14,690,000 for a Transformational Habitat Restoration Grant. This grant is still pending.
- The project has obtained funding for vegetation management in the form of a \$2,000,000 grant from the US Fish & Wildlife Service to Ducks Unlimited, and additional funding from the National Park Foundation.
- Additional funding is being sought to fund repairs to two Upper Herring River culverts that impede fish passage into headwater ponds.

Construction Update:

- This past summer the construction bid for the Chequessett Neck Road Bridge and Water Access Facility was advertised and the bid opening occurred 9/22/2022. Four bids were submitted and the low bidder, MIG Corporation, was deemed to have submitted a fully qualified bid. A Notice of Award was voted by the Wellfleet Selectboard on October 18, and contract documents were executed within the last two weeks.
- The initial focus for MIG is design and construction of the temporary bypass bridge. Fuss & O’Neill is required to design the sub-structure, and MIG will design the super-structure. MIG and Fuss & O’Neill are coordinating to get a temporary bridge design to MassDOT for its review and approval. The goal is to start construction of the temporary bridge in the spring of 2023
- The Town is in the process of hiring an Owner’s Project Representative to provide onsite construction oversight of the bridge construction and report to Wellfleet Department of Public Works. Environmental Partners was selected through a competitive procurement process. The Selectboard is expected to vote on a one-year contract at its meeting of December 20th.
- Final design is underway for the following project elements: Mill Creek Water Control Structure; Low road elevation culverts, and Property Impact Prevention. Construction bids could be advertised mid 2023 for these elements.
- The construction sequence for the Chequessett Neck Road bridge is as follows:
 - Fall 2022 – Summer 2023 - Construct Temporary Bypass Bridge
 - Summer 2023 – Winter 2023 - Construct Southern Bridge Pier and Abutment Area
 - Winter 2023 – Summer 2024 - Construct Northern Bridge Pier and Abutment Area
 - Summer 2024 – Spring 2025 - Construct Bridge Superstructure, Roadway and Duck Harbor Road Water Access Facility

Bill Biewenga asked of Town’s construction management consultants would be available to meet with the Herring River Stakeholder Group (HRSG). It is anticipated that either consultants or town staff would be available to address issues such as traffic management with the HRSG.

Geoff Sanders reported that the Mill Creek Water Control Structure is in the final design phase. This work is being managed by the Denver Service Center, and Fuss & O’Neill is the design engineer.

Brian Carlstrom noted that the removal of the Feil and Rosenberg properties on Way 672 also will occur in early 2023.

Tim Smith provided a brief update on the status of vegetation management and marsh work he had presented at the September 15th HREC meeting. Funding and contracting are underway for vegetation management activity that is expected to start in mid to late January. There is also a need for vegetation clearing that is needed for sediment sampling that is a part of the berm clearing project. Volunteers have been clearing and that is 50% complete, and should be wrapped up by the end of the calendar year. Sediment sampling could begin in mid-January.

Helen Miranda Wilson asked how the Town would handle financial management of the grants, given the recent turnover in the Town’s financial and accounting staff. Carole Ridley explained that the technical team worked with the prior Town Accountant to set up a chart of accounts for tracking project receipts and expenses, and that the Town is considering whether to contract with outside support to manage the chart of accounts.

HREC Member Announcements:

Brian Carlstrom observed that 2023 has been a year of tremendous progress for the project, and many major milestones have been achieved. He acknowledged the hard work of the Town, the Seashore and

the Friends of Herring River. He noted that the project has moved from design and permitting to construction and implementation, and the magnitude and timeliness of state and federal funding made available to the project is impressive.

Public Comment

There was no public comment.

Next Meeting Dates

The following meeting dates were accepted by the HREC, and it was agreed that meetings would remain virtual via Zoom as long as this format is permitted under Open Meeting Law requirements:

- Thursday, March 16, 2023, 3:00 pm
- Thursday, June 15, 2023, 3:00 pm
- Thursday, September 14, 2023, 3:00 pm
- Thursday, December 14, 2023, 3:00 pm

Adjournment

The meeting adjourned at approximately 4:00 pm.

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Minutes approved by unanimous consent on March 16, 2023
Submitted by Carole Ridley, Project Coordinator

Herring River Restoration Project

Herring River Executive Council

December 15, 2022



Agenda

1. Welcome and introductions
2. Approval of minutes: September 15, 2022
3. Herring River Restoration Project updates
4. HREC member announcements
5. Public comment
6. Proposed 2023 meeting dates (virtual or in-person):
 - Thursday, March 16, 2023, 3:00 pm
 - Thursday, June 15, 2023, 3:00 pm
 - Thursday, September 14, 2023, 3:00 pm
 - Thursday, December 14, 2023, 3:00 pm
7. Adjourn

Project Updates - Permitting

- Permits needed for construction in hand:
 - MEPA Certificate and Record of Decision - 2016
 - Cape Cod Commission Development Regional Impact approval - 2020
 - §401 Water Quality Certification - 2021
 - Approval under §404 General Permit – 2021
 - US Coast Guard Advance Approval - 2021
 - Notice of Intent for Ecological Restoration Limited Project (ERLP) – Wellfleet and Truro Orders of Condition received and recorded.
 - MGL Ch. 91 Waterways Licenses – License for Chequessett Neck Road issued and recorded; other licenses pending completion of final design.
- Regulatory Oversight Group

Project Updates - Permitting

- Permit compliance
 - Time of Year restrictions and Essential Fish Habitat Conservation Recommendations
 - Water Control Plan
 - Continuous flow for migratory fish
 - Sedimentation controls
 - Turtle Protection Plan
 - Section 7 consultation: Northern Long-eared bat
- Special Use Permit granted by Seashore to Town

Project Updates - Fundraising

- \$49,870,000 grant agreements approved & executed by Town:
 - USDA/NRCS \$27,200,000
 - MassDER - \$22,670,000
- Grants pending
 - NOAA - \$14,690,000 application to Transformational Habitat Restoration Grant Program
- Funding for marsh/vegetation management
 - NPS/NPF funding for vegetation management and final design
 - NAWCA ≈\$2M grant – Ducks Unlimited
 - Berm clearing pilot
 - Vegetation clearing
- Upper Herring River Culverts

Project Updates – Construction

- Chequessett Neck Road Bridge and Water Access Facility
 - CNR Bridge bid opening 9/22/2022
 - Contractor Notice of Award approved 10/18/22- MIG Corp
 - Site mobilization & vegetation work (est. 12/2022 – 1-2/2023)
 - Construction Management
 - Owners Project Representative – Environmental Partners (pending)
 - Design Engineer – Fuss & O’Neill (pending)
- Final design underway and bid advertisements est. mid 2023 for:
 - Mill Creek Water Control Structure (NPS project)
 - Low road elevation culverts (Town project)
 - Property impact prevention (Town project)

CNR Bridge Anticipated Construction Timeline

- Fall 2022 – Summer 2023
 Construct Temporary Bypass Bridge
- Summer 2023 – Winter 2023
 Construct Southern Bridge Pier and Abutment Area
- Winter 2023 – Summer 2024
 Construct Northern Bridge Pier and Abutment Area
- Summer 2024 – Spring 2025
 Construct Bridge Superstructure, Roadway and Duck Harbor Road Water Access Facility

